

D-2875-DIV

H. L.  
J. B.  
2/23/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT

In the application of:

Donovan

Serial No. 09/938,112

Filed: August 23, 2001

For: CLOSTRIDIAL TOXIN DERIVATIVES  
AND METHODS FOR TREATING PAIN

Group Art Unit: N/A  
Examiner: N/A

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INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97(b) (3)

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Applicant wishes to call to the attention of the Examiner the documents cited on the accompanying Form PTO-1449.

These references are being submitted under 37 C.F.R 1.97(b) (3). No fee is due regarding this communication. However, the Commissioner is hereby authorized to charge any fee necessary to Deposit Account No. 01-0885.

Pursuant to 37 CFR § 1.98(d), copies of the references already of record in related application, U.S. Serial No. 09/489,667, filed January 19, 2000 are not provided as they have already been submitted and/or cited in that application.

However, Applicant encloses herewith copies of the following listed references:

U.S. Pat. No. 5,538,733 (Emery et al.)

U.S. Pat. No. 5,766,605 (Sanders et al.)

U.S. Pat. No. 5,853,695 (Srivastava et al.)

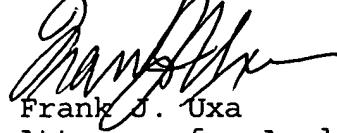
U.S. Pat. No. 5,891,842 (Kream); and

Morre et al., Lancet 349 1746 (1997).

Applicant also draws the Examiner's attention to related applications U.S. Serial Nos. 09/625,098, filed July 25, 2000; and 09/922,093, filed August 3, 2001.

No concession is made that these documents are prior art, and applicant expressly reserves the right to antedate the documents as may be appropriate. Applicant requests that each of these documents be made of record in the above-identified application.

Respectfully submitted,

  
Frank J. Uxa  
Attorney for Applicant  
Reg. No. 25,612  
4 Venture, Suite 300  
Irvine, CA 92618  
(949) 450-1750  
Facsimile (949) 450-1764

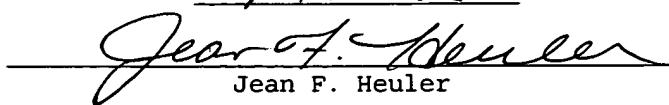
FJUxa/gsh

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail in an envelope addressed to:

Commissioner for Patents  
Washington, D.C. 20231

On 1-16-02.

  
Jean F. Heuler